

78A-2-220 Authority of magistrate.

- (1) Except as otherwise provided by law, a magistrate as defined in Section 77-1-3 shall have the authority to:
 - (a) commit a person to incarceration prior to trial;
 - (b) set or deny bail under Section 77-20-1 and release upon the payment of bail and satisfaction of any other conditions of release;
 - (c) issue to any place in the state summonses and warrants of search and arrest and authorize administrative traffic checkpoints under Section 77-23-104;
 - (d) conduct an initial appearance;
 - (e) conduct arraignments;
 - (f) conduct a preliminary examination to determine probable cause;
 - (g) appoint attorneys and order recoupment of attorney fees;
 - (h) order the preparation of presentence investigations and reports;
 - (i) issue temporary orders as provided by rule of the Judicial Council; and
 - (j) perform any other act or function authorized by statute.
- (2) A judge of the justice court may exercise the authority of a magistrate specified in Subsection (1) with the following limitations:
 - (a) a judge of the justice court may conduct an initial appearance, preliminary examination, or arraignment as provided by rule of the Judicial Council; and
 - (b) a judge of the justice court may not set bail in a capital felony nor deny bail in any case.

Amended by Chapter 245, 2013 General Session